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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,008	05/23/2001	Eiichiro Kitagawa	1232-4717	1859

27123 7590 09/22/2004  
MORGAN & FINNEGAN, L.L.P.  
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NEW YORK, NY 10281-2101

EXAMINER

SCHNEIDER, JOSHUA D

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/864,008

Applicant(s)

KITAGAWA, EIICHIRO

Examiner

Joshua D Schneider

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. Figures 8-10 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 7-12, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Admitted Prior Art (AAPA).

6. With regards to claims 1, 9, and 17, the AAPA teaches request generation means (Figs. 8 and 10, elements 202, 204, and S201), sending means for sending the request to the external control apparatus (Figs. 9 and 10, elements 205, 208, and 210), processing means for executing the request generated by said request generation means (Figs. 8, 9, and 10, elements 206, 207, and 211), memory for storing correspondence data of a request type and destination (inherent to request determination), and route determination means for sending the request generated by said request generation means to one of said sending means and said processing means with reference to the data stored in said memory (Figs. 8 and 10, element 205). The AAPA does not explicitly teach that the storing of the request type and destination data in a memory. The AAPA instead discusses the use of switching between host and local control modes, and depending on the mode routing requests for processing. In a software embodiment of this switch, there would have to be some sort of memory with data indicating the desired destination of the request. The type of request would also have to be recognized, as a control mode switch command is handled differently than an input processing request. Software and hardware embodiments are notoriously well known in the art to be interchangeable. It would have been obvious to one of ordinary skill in the art at the time of invention that the use of memory with type and destination information is necessitated in the routing of recognized commands.

7. With regards to claims 2 and 10, the AAPA teaches reception means for receiving commands from the external control apparatus, wherein the processing means executes the command (page 2, lines 1-8).

8. With regards to claims 3 and 11, the AAPA teaches update means for updating the destination stored in said memory (page 3, line 13, through page 4, lines 27). While the AAPA

does not explicitly teach changing the destination in a memory, as discussed above, a software interpretation of the switch, there would have to be some sort of memory with data indicating the desired destination of the request. The type of request would also have to be recognized, as a control mode switch command is handled differently than an input processing request. Software and hardware embodiments are notoriously well known in the art to be interchangeable. It would have been obvious to one of ordinary skill in the art at the time of invention that the use of memory with type and destination information is necessitated in the routing of recognized commands.

9. With regards to claims 4 and 12, the AAPA teaches the updating of the routing destination on the basis of a command from the external control apparatus (page 3, lines 17-27).

10. With regards to claims 7, 8, 15, and 16, the AAPA teaches the depending of the destination stored in connection with the control mode status, the requests are sent are sent to either the sending or processing means. Software and hardware embodiments are notoriously well known in the art to be interchangeable. It would have been obvious to one of ordinary skill in the art at the time of invention that the use of memory to sending and processing means as destinations of the image processing request is inherent to the actual sending of the requests to these destinations.

11. Claims 5, 6, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Applicant Admitted Prior Art (AAPA) as applied to claims 1-4, 7-12, and 15-17 above, and further in view of U.S. Patent 6,259,469 to Ejima et al.

12. With regards to claims 5 and 13, the AAPA teaches determining a mode through the use of control mode detection. The AAPA fails to explicitly teach the detection of the connection

state to determine the request routing. Ejima teaches detecting the connection status, and in the apparatus is not connected, sends the request to the processing means (column 34, line 63, through column 35, line 7). This is helpful, because a host computer usually controls cameras when they are connected, as the interfaces are larger and generally allow for easier use. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the connection detection of Ejima with the control mode switching of the AAPA in order to create an automatic control system that requires less user action to achieve desired control mode switching.

13. With regards to claims 6 and 14. The AAPA fails to explicitly teach the detection of the connection state to determine the request routing. The AAPA does teach that the apparatus is initialized to a local control mode (page 3, lines 1-4). Ejima teaches detecting the connection status, and in the apparatus is not connected, initializes the data in the memory to process the data internally (column 34, line 63, through column 35, line 7). This is helpful, because a host computer usually controls cameras when they are connected, as the interfaces are larger and generally allow for easier use. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the connection detection of Ejima with the control mode switching of the AAPA in order to create an automatic control system that requires less user action to achieve desired control mode switching.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Application Publication 2003/0048356 to Kohno et al. teaches the use of networked camera with local and host control. U.S. Patent 5,953,044 to Kato et al. teaches the

use of local processing and host controlled cameras. U.S. Patent 5,684,607 to Masumoto teaches the use of connected and not connected status determination to determine the processing of requests.

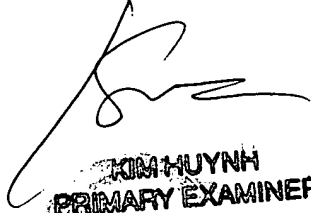
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua D Schneider whose telephone number is (703) 305-7991. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on (703) 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Starting in October, Tech Center 2100 will be moving to the new Carlyle offices. The examiner can then be reached at (571) 272-4158. The examiner's supervisor, Jeffrey A Gaffin can then be reached on (571) 272-4146. The TC main number will then be (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JDS

  
KIM HUYNH  
PRIMARY EXAMINER  
9/17/04